

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

GARRY D. GIBBS,

Plaintiff,

v.

CITY OF NEW MADRID, et al.,

Defendants,

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 1:15-CV-88 SNLJ

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for appointment of counsel and for extension of time to file his amended complaint.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

Plaintiff has presented non-frivolous allegations in his complaint. However, he has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case are complex. As a result, the motion is denied without prejudice.

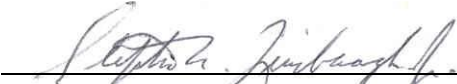
Additionally, plaintiff requests an additional fourteen days to file his amended complaint. The motion is granted. However, no further extensions will be granted.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel [ECF No. 11] is **DENIED** without prejudice.

**IT IS FURTHER ORDERED** that plaintiff's motion for extension of time [ECF No. 10] is **GRANTED**. Plaintiff must file his amended complaint no later than **March 24, 2017**. No further extensions will be granted.

Dated this 15<sup>th</sup> day of March, 2017.

  
\_\_\_\_\_  
STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE